

Ms. Davis's four primary election opponents. **(Exhibit 2)** In his complaint, Mr. Pope alleged that:

- Patricia Davis failed to timely file the C-4 summary report of receipts and expenditures due 21 days before the 2005 primary election; and
- Ms. Davis failed to file the C-4 summary report due seven days before the 2005 primary election.

III.

SUMMARY OF FINDINGS

3.1 In her 2005 campaign, Ms. Davis filed C-3 and C-4 reports of \$65,330 in contribution deposits and \$63,785 in expenditures between 5 and 60 days late, as follows:

Report Type	Activity	Date Report Due	Date Filed	Days Late
C-3	\$12,000 Contributions	2/10/05	4/11/05	60
C-3	\$16,700 Contributions	3/10/05	4/11/05	32
C-4	\$24,080 Contributions / \$19,537 Expenditures	8/30/05	9/18/05	19
C-4	\$1,179 Expenditures	8/30/05	9/29/05	30
C-4	\$9,300 Contributions	9/13/05	9/18/05	5
C-4	\$3,250 Contributions / \$43,069 Expenditures	9/13/05	9/29/05	16

3.2 In a written response to the complaint and in separate interviews under oath, Ms. Davis and her former treasurer, Denton Kiehle, stated that the lapse in filings for her campaign was due to a flood which occurred in Mr. Kiehle's office space, and to the aftereffects of that event.

FINDINGS

3.3 **Timeliness of 21-Day Pre- Election Report:** In his complaint, Richard Pope alleged that Patricia Davis failed to timely file the C-4 summary report of receipts and expenditures due 21 days before the 2005 primary election. In the 2005 election, the 21-day pre-primary C-4 report covering July 1 – August 23, 2005 was due to be filed on August 30, 2005.

On August 10, 2005, Patricia Davis timely filed a C-4 report covering July 1 – 31, 2005. **(Exhibit 3)** The C-4 report disclosed \$4,392 in new contribution deposits and \$5,862 in new monetary expenditures.

On September 18, 2005, Ms. Davis filed a C-4 report covering August 1 – August 30, 2005. **(Exhibit 4)** This report included the final 23 days of the 21-day pre-primary reporting period, or August 1 – 23, 2005. The report disclosed \$24,080 in new contribution deposits and \$19,537 in new expenditure activity during this period. This activity was disclosed 19 days late, which was two days before the September 20, 2005 primary election.

On September 29, 2005, Ms. Davis filed an amended C-4 for the 21-day pre-primary reporting period of July 1 – August 23, 2005. **(Exhibit 5)** The amended report disclosed \$1,179 in expenditures for consulting services and political advertising that were not disclosed on the earlier reports filed for this period. This activity was disclosed 30 days late, which was nine days after the primary election.

- 3.4 **Timeliness of 7-Day Pre- Election Report:** In his complaint, Mr. Pope alleged that Ms. Davis failed to timely file the C-4 report due 7 days before the 2005 primary election. In the 2005 election, the 7-day pre-primary C-4 report covering August 24 – September 12, 2005 was due to be filed on September 13, 2005. Ms. Davis' September 18, 2005 C-4 filing covered August 1 – August 30, 2005. **(Exhibit 4)** The report disclosed \$9,300 in new contribution deposits and no expenditures during August 24 – 30, 2005. The contribution activity was disclosed on the C-4 report five days late, which was two days before the primary election.

On September 29, 2005, Ms. Davis filed an amended C-4 for the 7-day pre-primary reporting period (August 24 through September 12). **(Exhibit 6)** The amended report disclosed \$3,250 in new contribution deposits and \$43,069 in new expenditure activity that had not been previously disclosed. This activity was disclosed 16 days late, and nine days after the September 20 primary election.

- 3.5 **Timeliness of C-3 Contribution Reporting:** On April 11, 2005, Ms. Davis filed two C-3 reports disclosing deposits of \$12,000 and \$16,700 on January 30 and February 15, 2005 respectively. **(Exhibit 7)** The reports were due to be filed on the tenth of the month following the month of the deposit, and were filed 60 and 32 days late, respectively.

- 3.6 **Written Response to Complaint:** On October 3, 2005, a response regarding Patricia Davis' late reporting of 2005 activity was received from her treasurer, Denton Kiehle. **(Exhibit 8)** In his letter, Mr. Kiehle stated that the delay in filing the C-4 reports was due to the conditions caused by a flood of the office space where he kept the campaign records. He stated that both the computer containing the electronic data and the paper and electronic backup files were heavily damaged by the water, and that it took him longer than expected to restore the data and the campaign files.

- 3.7 **Interview with Denton Kiehle:** On October 18, 2005, Denton Kiehle was interviewed under oath. **(Exhibit 9)** Mr. Kiehle stated that the office space where Ms. Davis' campaign records are kept is in a commercial art gallery he owns in the Harbor Steps Development. He stated that the flood in this space occurred on August 23, 2005, and was the result of an overloaded clothes washer in a residential apartment on the floor above.

Staff pointed Mr. Kiehle's attention to the fact that following the August 23, 2005 flood, he electronically filed two C-3 reports on August 29 and September 11, 2005, immediately prior to the respective deadlines for the 21-day and 7-day pre-primary C-4 reports. He confirmed that the reports were filed with the same computer as was previously used, and from the same location. He stated that his primary error at this time was in failing to notify Ms. Davis in a timely manner that he required help in complying with her disclosure requirements. He stated that the entire process took one and one-half months to resolve.

He stated that he brought the issue of the flood to Ms. Davis' attention in the later part of September 2005. He could not recall the precise date.

Staff asked Mr. Kiehle why the campaign's first two C-3 filings, which were received on April 11, 2005 and disclosed deposits of \$12,000 and \$16,700, were filed 60 and 32 days late, respectively. He stated that there was no intent to conceal the information on the reports, but that he had no other justification for the lateness of the reports.

- 3.8 **Interview with Patricia Davis:** On October 18, 2005, Patricia Davis was interviewed under oath. **(Exhibit 10)** Ms. Davis stated that she was notified by Denton Kiehle on approximately September 10, 2005 that a flood had occurred in his office space, damaging the records for her campaign. She stated that she was not aware prior to receiving the complaint filed by Richard Pope that there were any late reports for her campaign. She stated that she does not personally monitor her campaign filings for PDC compliance, and that she has never had any reason to be concerned with these questions because of her trust in Mr. Kiehle. She stated that she believes that Denton Kiehle is an honest person, and that the problems he experienced in filing reports for her campaign were truthfully caused by the difficulties he experienced as a result of this flood.

- 3.9 Patricia Davis cooperated fully with PDC staff during the investigation of this complaint.

IV.

SCOPE

4.1 Staff reviewed the 45-day Citizen Action Letter of Complaint filed by Richard Pope on September 27, 2005.

4.2 Staff reviewed the following documents filed by the Patricia Davis Campaign:

- a. A C-1 Candidate Registration received on February 15, 2005.
- b. A C-4 report received on August 10, 2005.
- c. A C-4 report received on September 18, 2005.
- d. Two amended C-4 reports received on September 29, 2005.
- e. Two C-3 reports received on April 11, 2005.
- f. A written response to the complaint, received on October 3, 2005.

4.3 The following persons were interviewed under oath:

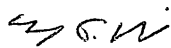
1. Denton Kiehle was interviewed on October 18, 2005.
2. Patricia Davis was interviewed on October 18, 2005.

V.

LAW

RCW 42.17.080 and 090 require candidates to file timely, accurate reports of contributions and expenditures. The reports are filed monthly following an excess of \$200 in contribution or expenditure activity, except during the four months before the election, during which time summary reports of receipts and expenditures are required to be filed 21 days and again 7 days before each election in which the candidate will appear on the ballot.

Respectfully submitted this 20th day of October, 2005.



Tony Perkins
Political Finance Specialist

EXHIBIT LIST

- Exhibit 1** C-1 Candidate Registration received from Patricia Davis on February 15, 2005.

- Exhibit 2** 45-day Citizen Action Letter of Complaint, filed by Richard Pope on September 27, 2005.

- Exhibit 3** C-4 report covering July 1 – 31, 2005, filed by Patricia Davis on August 10, 2005.

- Exhibit 4** C-4 report covering August 1 – 30, 2005, filed by Patricia Davis on September 18, 2005.

- Exhibit 5** Amended C-4 report covering July 1 – August 23, 2005, filed by Patricia Davis on September 29, 2005.

- Exhibit 6** Amended C-4 report covering August 24 – September 12, 2005, filed by Patricia Davis on September 29, 2005.

- Exhibit 7** Two C-3 reports filed by Patricia Davis on April 11, 2005.

- Exhibit 8** Written response regarding Patricia Davis' late reporting of 2005 activity, received from her treasurer Denton Kiehle on October 3, 2005.

- Exhibit 9** Memorialized notes of an October 18, 2005 interview under oath with Denton Kiehle.

- Exhibit 10** Memorialized notes of an October 18, 2005 interview under oath with Patricia Davis.